

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #4	CCRB Case #: 201506415	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 08/01/2015 12:30 AM	Location of Incident: Baychester Avenue and East 241st Street	Precinct: 47	18 Mo. SOL 2/1/2017	EO SOL 2/1/2017	
Date/Time CV Reported Mon, 08/03/2015 3:39 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/03/2015 3:39 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Daniel Beddows	7398	926556	047 PCT
2. POM Patrick Jean	24116	936810	047 PCT
3. POM Juan Rodriguez	16076	939343	047 PCT
4. POM Jens Maldonado	14155	940408	047 PCT
5. Officers			047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Daniel Beddows	Abuse: Det. Daniel Beddows stopped the car in which § 87(2)(b) and an individual were occupants.	
B.POM Patrick Jean	Abuse: PO Patrick Jean stopped the car in which § 87(2)(b) and an individual were occupants.	
C.POM Juan Rodriguez	Abuse: PO Juan Rodriguez stopped the car in which § 87(2)(b) and an individual were occupants.	
D.POM Jens Maldonado	Abuse: PO Jens Maldonado stopped the car in which § 87(2)(b) and an individual were occupants.	
E. Officers	Abuse: Officers frisked § 87(2)(b) and an individual.	
F. Officers	Abuse: Officers searched § 87(2)(b) and an individual.	
G.DTS Daniel Beddows	Abuse: Det. Daniel Beddows searched the car in which § 87(2)(b) and an individual were occupants.	
H.POM Juan Rodriguez	Abuse: PO Juan Rodriguez searched the car in which § 87(2)(b) and an individual were occupants.	
I.POM Jens Maldonado	Abuse: PO Jens Maldonado searched the car in which § 87(2)(b) and an individual were occupants.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
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Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		
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### Case Summary

On August 3, 2015, § 87(2)(b) filed this complaint with the CCRB via telephone on behalf of himself and an acquaintance, identified only as “§ 87(2)(b) § 87(2)(b) did not know § 87(2)(b) name or contact information.

At approximately 12:30 a.m. on August 1, 2015, § 87(2)(b) drove § 87(2)(b) from the Bronx to Mount Vernon, New York. § 87(2)(b) picked § 87(2)(b) up at the intersection of Baychester Avenue and Pitman Avenue, in the Bronx. They then drove north on Baychester Avenue. As they passed the intersection with Nereid Avenue, § 87(2)(b) observed that a group of plainclothes officers in a black unmarked car had pulled over another motorist in a black Toyota. The investigation identified the four officers as Det. Daniel Beddows, PO Patrick Jean, PO Juan Rodriguez and PO Jens Maldonado of the 47<sup>th</sup> Precinct. PO Jean was standing with the motorist at the rear of the Toyota while Det. Beddows, PO Rodriguez and PO Maldonado searched the interior. § 87(2)(b) did not know the motorist. He had not observed the initial stop of the Toyota, and did not know why the officers were searching the vehicle’s interior. § 87(2)(b) continued driving north past this vehicle stop. He did not stop or slow down as he passed by. § 87(2)(b) did not see how this stop was ultimately resolved, and did not know if the motorist was arrested or issued a summons.

About a minute or two later, as § 87(2)(b) drove through the intersection of Baychester Avenue and East 241<sup>st</sup> Street, the same unmarked car that had stopped the Toyota earlier drove up behind § 87(2)(b) and pulled his vehicle over (**Allegations A, B, C and D**). Once § 87(2)(b) pulled over, all four officers exited the car and approached. One of the officers asked § 87(2)(b) for his license and registration. § 87(2)(b) provided his documents. He then asked why he was being pulled over. The same officer replied that he did not need a reason to pull § 87(2)(b) over. He then asked § 87(2)(b) and § 87(2)(b) to exit their vehicle.

Once § 87(2)(b) and § 87(2)(b) stepped out of the car, officers frisked both § 87(2)(b) and § 87(2)(b) (**Allegations E and F**). Nothing was found on either individual. § 87(2)(b) and § 87(2)(b) were then walked to the rear of § 87(2)(b)’s car, where PO Jean questioned § 87(2)(b) about his car, including who owned it, where he had come from, and where he was going. While PO Jean spoke to § 87(2)(b), Det. Beddows, PO Rodriguez and PO Maldonado entered § 87(2)(b)’s car and searched the interior, including the front and back seats, as well as the glove compartment and center console (**Allegations G, H and I**). Once the search was concluded, § 87(2)(b) and § 87(2)(b) were allowed to return to their car and leave. Neither of them was arrested or issued a summons.

### Video Evidence

A review of the incident location on Google Maps found that there were no cameras at the location that would have captured the incident. No TARU cameras are positioned by the incident location. There are no officers wearing body cameras assigned to the 47<sup>th</sup> Precinct.

### **Mediation, Civil and Criminal Histories**

§ 87(2)(b) rejected mediation, stating that he wants the subject officers disciplined. § 87(2)(b) did not file a notice of claim in regards to the incident. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has filed eight previous complaints with the CCRB. § 87(2)(b)
- Det. Beddows has been a member of the service for fifteen years and there is one substantiated CCRB allegation against him. In case #201409498, a gun drawn allegation was substantiated against Det. Beddows. He received formalized training. A previous vehicle search allegation against him was unsubstantiated. This is the first vehicle stop allegation pleaded against Det. Beddows.
- PO Jean has been a member of the service for ten years and there are no substantiated CCRB allegations against him. This is the first vehicle stop allegation pleaded against PO Jean.
- PO Rodriguez has been a member of the service for ten years and there are three substantiated CCRB allegations against him. In case #201409498, gun drawn, pepper spray and force allegations were substantiated against PO Rodriguez. He received formalized training and a command discipline. A previous vehicle stop allegation against him was unsubstantiated. This is the first vehicle search allegation pleaded against PO Rodriguez.
- PO Maldonado has been a member of the service for nine years and there are no substantiated CCRB allegations against him. Two previous vehicle search allegations against him were exonerated. This is the first vehicle stop allegation pleaded against PO Maldonado.
- § 87(4-b), § 87(2)(g)

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

- § 87(2)(b) provided consistent descriptions for the four subject officers. He described the officer who spoke with him at the rear of the car as a 6'4" black male. He described the other three officers as white males with heights between 5'7" and 5'10". All of the officers were in plainclothes. In his initial complaint, § 87(2)(b) stated that the officers were in a marked car. In his sworn statement, however, he stated that the officers were in an unmarked black car. § 87(2)(b) recognized the black male officer from previous interactions. While he did not know this officer's name, he stated that the officer is assigned to the 47<sup>th</sup> Precinct.

A review of the 47<sup>th</sup> Precinct roll call found that only four officers were assigned to plainclothes details at the time of the incident: Det. Beddows, PO Jean, PO Rodriguez, and PO Maldonado (See Board Review: Roll Call). All four officers are assigned to the precinct's Anti-Crime team. PO Jean is a 6'2" black male, Det. Beddows is a 5'10" white male, PO Rodriguez is a 5'10" Hispanic male, and PO Maldonado is a 6'1" Hispanic male. The roll call indicated that PO Jean, PO Rodriguez and PO Maldonado were assigned together to RMP #0350, while Det. Beddows was on vacation. Det. Beddows, however, stated that he was in fact on duty at the time, and assigned to RMP #0350. All four officers' memo books confirm their vehicle assignments (See Board Review: Memo Books). None of the officers recalled their assignments being changed at any point during their tour. The officers consistently described their vehicle as an unmarked blue Impala.

None of these officers recalled the incident, or participating in any vehicle stops at the time of the incident. None of the officers had any memo book entries detailing the incident, or any other activities at the time of the incident. The officers did not recognize a photograph of § 87(2)(b) § 87(2)(b) was shown photo arrays for each of the four officers. While § 87(2)(b) did not recognize Det. Beddows, PO Rodriguez or PO Maldonado, he correctly identified PO Jean. He further identified PO Jean as the officer who had spoken to him at the rear of his car while the other officers searched the interior (See Board Review: Civilian Statements).

While the officers denied any knowledge of the incident, they generally match § 87(2)(b)'s descriptions of the subject officers. § 87(2)(b) further identified PO Jean as one of the subject officers via photo array. As the officers' memo books confirm that the four officers were all assigned together in the same unmarked vehicle, the preponderance of the evidence indicates that they were the same officers who stopped § 87(2)(b). Therefore, vehicle stop allegations have been pleaded against all three officers.

- § 87(2)(b) alleged that one of the white officers frisked and searched him, while another white officer frisked and searched § 87(2)(b). He denied that PO Jean participated in either frisk or search. Det. Beddows is white, while PO Rodriguez and PO Maldonado are Hispanic. As mentioned above, § 87(2)(b) provided nearly identical descriptions for the three white male officers. He did not identify Det. Beddows, PO Rodriguez or PO Maldonado during his photo viewing session, and therefore did not attribute any specific actions during the incident towards any of them. None of the officers recalled the incident. Absent additional testimony or documentation, the investigation could not determine which of the three potential subject officers frisked or searched § 87(2)(b) and § 87(2)(b). Therefore, frisk and search allegations have been pleaded against "officers" from the 47<sup>th</sup> Precinct.
- § 87(2)(b) alleged that while he spoke to PO Jean at the rear of his vehicle, the other three officers that he was with entered his vehicle and searched the interior. Therefore, vehicle search allegations have been pleaded against Det. Beddows, PO Rodriguez and PO Maldonado.

#### **Allegations Not Pleaded**

- Abuse of Authority: § 87(2)(b) alleged that Det. Beddows, PO Jean, PO Rodriguez and PO Maldonado stopped an unidentified motorist in a black Toyota. The officers also searched

this vehicle. § 87(2)(b) did not know the motorist. He did not see the initial stops, or any interaction between the officers and the motorist before the vehicle search was conducted. § 87(2)(b) drove past this vehicle stop, and did not see how the situation was ultimately resolved. He did not know if the motorist was issued a summons or arrested. None of the officers had any memo book entries around the time of the incident that could have potentially identified the first individual who was pulled over. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation A –Abuse of Authority: Det. Daniel Beddows stopped the vehicle in which**

**§ 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation B –Abuse of Authority: PO Patrick Jean stopped the vehicle in which § 87(2)(b)**

**and § 87(2)(b) were occupants.**

**Allegation C –Abuse of Authority: PO Juan Rodriguez stopped the vehicle in which § 87(2)(b)**

**and § 87(2)(b) were occupants.**

**Allegation D –Abuse of Authority: PO Jens Maldonado stopped the vehicle in which § 87(2)(b)**

**and § 87(2)(b) were occupants..**

§ 87(2)(b) was interviewed at the CCRB on August 7, 2015. He also participated in a photo array viewing session on September 30, 2015 (See Board Review: Civilian Statements). § 87(2)(b) alleged that he was pulled over by Det. Beddows, PO Jean, PO Rodriguez and PO Maldonado. § 87(2)(b) denied having committed any kind of vehicular infraction before being pulled over. When § 87(2)(b) asked one of the officers why he was being stopped, he was told that he could be stopped for any reason. No specific reason was ever given to him.

Det. Beddows was interviewed at the CCRB on September 3, 2015. PO Maldonado was interviewed on September 10, 2015, while PO Jean and PO Rodriguez were interviewed on September 18, 2015 (See Board Review: MOS Statements). All four officers denied any knowledge of the incident. They did not recall participating in any vehicle stops at the time of the incident, and did not recognize a photograph of § 87(2)(b). None of the officers recalled being involved in any other activities at the time of the incident. None of the officers had any entries in their memo books from the date of the incident to document their movements or activities.

An officer may stop a vehicle based on probable cause that the driver committed a traffic violation, or reasonable suspicion that the driver or another occupant have committed, are committing, or are about to commit a crime. *People v. Weishaupt*, 2014 N.Y. App. Div. LEXIS 4169 (App. Term, 3<sup>rd</sup> Dept. 2014) *People v. Taylor*, 31 A.D.3d 1141 (App. Term, 4<sup>th</sup> Dept. 2006) (See Bord Review: Legal Reference).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

**Allegation E –Abuse of Authority: Officers frisked § 87(2)(b) and § 87(2)(b)**

**Allegation F –Abuse of Authority: Officer searched § 87(2)(b) and § 87(2)(b)**

§ 87(2)(b) alleged that after he and § 87(2)(b) were asked to step out of the car, they were each frisked and searched by one of the white officers. He stated that officers patted down both of their pants legs and ran their hands around the inside of their waistbands. § 87(2)(b) and § 87(2)(b) were searched by different officers. No contraband was recovered from them. None of the officers recalled the incident. None recalled removing any individuals from their cars, or frisking or searching any individuals.

§ 87(2)(g)

**Allegation G –Abuse of Authority: Det. Daniel Beddows searched the car in which § 87(2)(b)**

**and § 87(2)(b) were occupants.**

**Allegation H –Abuse of Authority: PO Juan Rodriguez searched the car in which § 87(2)(b)**

**and § 87(2)(b) were occupants.**

**Allegation I –Abuse of Authority: PO Jens Maldonado searched the car in which § 87(2)(b)**

**and § 87(2)(b) were occupants.**

§ 87(2)(b) alleged that after he and § 87(2)(b) were frisked and searched, they spoke to PO Jean at the rear of his vehicle. As he spoke to PO Jean, the remaining three officers entered his vehicle and searched the floors around the front and back seats. The officers also entered the glove compartment and center console. § 87(2)(b)'s floor mats were removed during the search. No contraband was recovered from the car. As stated earlier, none of the officers interviewed recalled the incident, and none recalled conducting any vehicle searches.

An officer's entry into a vehicle and inspection of any personal effects found within represent an encroachment of privacy, and must be justified in their inception and scope by specific circumstances. People v. Torres, 74 N.Y.2d 224 (1989) (See Board Review: Legal Reference).

§ 87(2)(g)

§ 87(2)(g) [Redacted]  
[Redacted]

§ 87(4-b), § 87(2)(g) [Redacted]  
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§ 87(4-b), § 87(2)(g) [Redacted]  
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Pod:



Investigator: \_\_\_\_\_  
Signature Print Date

Pod Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date